

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	MB Docket No. 17-106
Elimination of Main Studio Rule)	
)	

To: The Commission

COMMENTS OF NEW HAMPSHIRE PUBLIC RADIO, INC.

New Hampshire Public Radio, Inc. (“NHPR”), by counsel, hereby respectfully submits these Comments in response to the Notice of Proposed Rulemaking issued on May 18, 2017, in the above-captioned proceeding.¹

In the recent NPRM, the Federal Communications Commission (“FCC” or “Commission”) proposes eliminating 47 CFR §73.1125, the “rule that requires each AM, FM, and television broadcast station to maintain a main studio located in or near its community of license” (the “Main Studio Rule”), as well as eliminating the “staffing and program origination capability requirements” that are associated with the Main Studio Rule.

As the licensee and operator of eight noncommercial educational (“NCE”) FM broadcast stations in New Hampshire, NHPR files these comments on the Commission’s proposal to repeal the Main Studio Rule in order to share its perspective of how the rule impacts NCE licensees² and to urge the FCC to recognize how changes in technology and access to the public file support repeal of the Main Studio Rule.

¹ *Elimination of Main Studio Rule*, Notice of Proposed Rulemaking, 32 FCC Rcd 4415, 4415 ¶ 1 & 4418 ¶ 6 (2017) (“NPRM”).

² NHPR is the licensee of the following eight noncommercial FM radio stations: WEVO(FM), Concord, NH; WEVC(FM), Gorham, NH; WEVH(FM), Hanover, NH; WEVJ(FM), Jackson, NH; WEVN(FM), Keene, NH; WEVS(FM), Nashua, NH; WEVF(FM), Colebrook, NH; WEVQ(FM), Littleton, NH.

I. THE COMMISSION SHOULD CONSIDER WHAT THE MAIN STUDIO RULE CURRENTLY MEANS FOR NCE STATIONS

NHPR is the licensee and operator of a network of eight NCE FM radio stations located throughout New Hampshire. NHPR is committed to providing high quality news and educational programming to all of the citizens of the communities its stations serve. Through existing waivers of the Main Studio Rule, NHPR is currently able to meet this commitment using the main studio of its flagship station WEVO(FM) in Concord, NH, to serve all eight stations. Simply put, NHPR would not have had the resources to expand its network of stations if a main studio had been required for each station. Although it has always been NHPR's mission to serve all of New Hampshire, the burden of having to allocate NHPR's limited resources even towards applying for its main studio waivers has been a cause of unnecessary hesitation in the decision to acquire new stations. NHPR has been fortunate enough to obtain the necessary waivers, but the costs and risks associated with obtaining these waivers have been a factor in the cost-benefit analysis each time NHPR has decided whether to expand its network through the acquisition of a new station.³

For instance, WEVF(FM) serves Colebrook, NH, which is located nearly three hours north of Concord and has a population of about 2,300 people across 41 square miles. WEVJ(FM) serves Jackson, NH, which is about two hours north of Concord and has a population of just over 800 people over 67 square miles. These towns have very small populations and face economic limitations. These towns simply could not support a station if a main studio were required.

NHPR has a dedicated news reporter whose beat is to cover northern New Hampshire and northern New Hampshire listeners have benefitted from having a reporter covering their local

³ If the Commission does eliminate the Main Studio Rule, NHPR urges the FCC to explicitly conclude that existing main studio waivers and any commitments made in obtaining those waivers are moot.

interests and concerns. In fact, the savings from having eight stations served by one main studio has allowed NHPR to put more resources back into its mission of providing high quality news and educational programming for all of New Hampshire.

II. CHANGES IN TECHNOLOGY AND ACCESS TO THE PUBLIC FILE SUPPORT THE REPEAL OF THE MAIN STUDIO RULE

Changes in web access have allowed the public file to go online – which is far more convenient than driving to a main studio across sparsely populated areas separated by large distances.⁴ Also, the near ubiquity of remote communication in the form of cell phones, email, and social media, have made in-person visits from community members unnecessary, if not obsolete.⁵

As Commissioner O’Rielly has pointed out, the justification for the Main Studio Rule has been “significantly weakened” due to the public’s virtually universal choice to contact their local stations via telephone, mail, or (more recently) online.⁶ And this change in consumer preference has been recognized by the Commission in rulemakings since at least 1987.⁷

As the FCC noted when it moved the public inspection files online, “[t]he evolution of the Internet and the spread of broadband infrastructure have transformed the way society accesses information today. It is no longer reasonable to require the public to travel to a station or headquarters’ office to review the public file and make paper copies when a centralized, online file will permit review with a quick, easy, and almost costless Internet search.”⁸

⁴ NHPR stations have not yet moved their public inspection files online, but the stations will certainly do so by the Commission’s March 1, 2018 deadline.

⁵ NPRM at 4418 ¶ 8.

⁶ Michael O’Rielly, Comm’r, FCC, Address at the 2017 Hispanic Radio Conference, at p.3 (Mar. 28, 2017) available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0328/DOC-344114A1.pdf.

⁷ 1987 Report and Order, 2 FCC Rcd at 3218 ¶ 32; 1998 Report and Order, 13 FCC Rcd at 15702 ¶ 22.

⁸ *Expansion of Online Public File Obligations To Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, Report and Order, 31 FCC Rcd 526, 527 ¶ 2 (2016).

The modern reality of, and overwhelming preference for, remote communication will allow stations to continue to be responsive to local interests and concerns – and to do so without the unnecessary regulatory cost of maintaining a main studio.

III. CONCLUSION

As the licensee and operator of eight NCE FM broadcast stations in New Hampshire, NHPR supports the Commission's proposal to repeal the Main Studio Rule. NHPR is dedicated to serving its listeners local needs and covering local issues⁹ through its mission to provide high quality news and educational programming to all of New Hampshire. However, NHPR's mission has no connection to the Main Studio Rule.

As the Commission considers repeal of the Main Studio Rule, the FCC should (1) consider what the Main Studio Rule means for NCE stations, and (2) recognize how changes in technology and access to the public file support repeal of the Main Studio Rule.

Respectfully submitted,

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⁹ NPRM at 4418 ¶ 8.